

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-221331.2 **DATE:** January 24, 1986  
**MATTER OF:** Carlyle Van Lines, Inc.--Reconsideration

**DIGEST:**

Dismissal of protest for failure to file a copy with the contracting officer within 1 day after filing with GAO is affirmed; the fact that the protester may have mailed the copy within the necessary period is not relevant, since the requirement is for receipt by the agency.

Carlyle Van Lines, Inc., requests reconsideration of our dismissal of its protest concerning invitation for bids (IFB) No. F23606-85-B-0048, issued by the Department of the Air Force. We dismissed the protest, filed on December 20, 1985, because Carlyle failed to furnish a copy of it to the contracting agency within 1 day after the protest was filed with our Office, as required under section 21.1(d) of our Bid Protest Regulations, 4 C.F.R. part 21 (1985).

We affirm the dismissal.

Carlyle argues that it complied with section 21.1(d) by mailing a copy of its protest from Alexandria, Virginia, to the contracting activity at Whiteman Air Force Base, Missouri, on December 20, the same day the protest was delivered to our Office. Carlyle states that if the agency did not timely receive the copy, it is because the United States Postal Service either lost or misplaced the letter during the holiday season. In this respect, the contracting agency had notified this Office that as of December 31, it still had not received the protest.

Carlyle's actions did not satisfy the notice requirement in section 21.1(d). The regulation requires a protester to ensure that the contracting officer receives the copy of the protest no later than 1 day after the protest is filed, so that the fact that Carlyle may have sent it to the Air Force within that period is not relevant. Building Maintenance Specialists--Request for Reconsideration, B-220767.2 et al., Dec. 5, 1985, 85-2 C.P.D. ¶ \_\_\_\_. Carlyle's allegation that the Postal Service added to the delay in receipt by mishandling the copy does not, in these

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circumstances, excuse the firm's failure to comply with section 21.1(d) in the first instance.

The basis for the 1-day notice requirement is found in the Competition in Contracting Act of 1984, 31 U.S.C.A. § 3553 (West Supp. 1985), which requires the contracting agency to file a written report with our Office within 25 working days after we notify the agency of the protest. Any delay in furnishing a copy of the protest to the contracting agency not only hampers the agency's ability to meet the 25-day statutory deadline, but also frustrates our efforts to consider all objections to agency procurement actions in as timely a fashion as possible. Sabin Metal Corporation--Reconsideration, B-219171.2, July 24, 1985, 85-2 C.P.D. ¶ 79.

The dismissal is affirmed.

*for* *Seymour Gfro*  
Harry R. Van Cleve  
General Counsel